

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 ROBERT BERMAN,

Case No.: 2:21-cv-01359-APG-BNW

4 Petitioner,

**Order Granting, in Part,
Motion for Extension of Time**

5 v.

[ECF No. 49]

6 CALVIN JOHNSON, *et al.*,

7 Respondents.

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9 In this habeas corpus action, on February 24, 2022, the respondents filed a motion to
10 dismiss (ECF No. 35), along with exhibits in support of that motion (ECF Nos. 27–32, 34). After
11 an initial 60-day period (*see* ECF No. 8), a 60-day extension of time (*see* ECF No. 43), and a
12 20-day extension of time (ECF No. 49), the *pro se* petitioner, Robert Berman, was due to
13 respond to the motion to dismiss by July 14, 2022. In the order granting the last extension of
14 time, I stated, with emphasis, that “*I will not be inclined to further extend this briefing schedule*
15 *absent extraordinary circumstances.*” (ECF No. 49).


16 Nevertheless, on July 11, 2022, Berman filed a motion for extension of time (ECF No.
17 50), requesting a further 47-day extension of time, to August 30, 2022. Berman says that another
18 extension of time is necessary because of the difficulty and delay involved in doing legal
19 research at Nevada’s High Desert State Prison, where he is incarcerated. I acknowledge that legal
20 research in prison is difficult and time consuming; however, Respondents’ ten-page motion to
21 dismiss is relatively uncomplicated and was filed over four months ago. Berman has had enough
22 time to respond to the motion to dismiss.

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1 Under the circumstances here, good cause appearing, I will grant Berman's motion for
2 extension of time in part and grant a shorter extension than requested—21 days instead of 47
3 days. This will be the last extension of this deadline. *If Berman does not file a response to the*
4 *motion to dismiss within the time allowed, I will rule on the motion to dismiss without the benefit*
5 *of a response.*

6 I THEREFORE ORDER that Petitioner's Motion Requesting Enlargement of Time
7 **(ECF No. 50) is GRANTED IN PART.** Petitioner will have until and including **August 4,**
8 **2022,** to respond to the motion to dismiss.

9 Dated: July 12, 2022

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13 ANDREW P. GORDON
14 UNITED STATES DISTRICT JUDGE
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